

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

VICTOR L. CANDELARIO,
Petitioner,

v.

RON VAN BOENING,
Respondent.

Case No. C08-5124BHS-KLS

ORDER ADOPTING REPORT AND
RECOMMENDATION

This matter comes before the Court on the Report and Recommendation of the Honorable Karen L. Strombom (Dkt. 10). The Court has considered the Report and Recommendation, Petitioner's objections (Dkt. 12), and the remainder of the file, and hereby adopts the Report and Recommendation for the reasons stated herein.

As the Report and Recommendation correctly concludes, Petitioner fails to demonstrate that he has exhausted all state court remedies before pursuing a petition under 28 U.S.C. § 2254. Dkt. 10. In his objections, Petitioner acknowledges that his attempts to pursue state remedies are currently pending in superior court. *See* Dkt. 12.

Therefore, it is hereby

ORDERED that the Court **ADOPTS** the Report and Recommendation of the Honorable Karen L. Strombom (Dkt. 10), and the petition in this matter is **DISMISSED**.

DATED this 14th day of May, 2008.



BENJAMIN H. SETTLE
United States District Judge